

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JENNIFER RAMSEY, individually and)
on behalf of the Estate of James Kinder,)
deceased,)

Plaintiff,)

v.)

THE SALVATION ARMY,)
a New York Corporation,)

Defendant.)

2:21cv557

Electronic Filing

MEMORANDUM ORDER

February 16, 2022

Plaintiff, Jennifer Ramsey (“Ramsey” or “Plaintiff”) initiated this action as the personal representative of the Estate of James Kinder (“Kinder”) on April 27, 2021, against the Salvation Army (“Salvation Army” or “Defendant”). In her First Amended Complaint, Ramsey alleges that the negligence of the Salvation Army caused Kinder’s death. The case was referred to United States Magistrate Judge Patricia L. Dodge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge’s Report and Recommendation (ECF No. 18), filed on January 14, 2022, recommended that the Motion to Dismiss for Failure to State a Claim (ECF No.12) filed by the Salvation Army be denied. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. Objections were filed by the Salvation Army on January 28, 2022.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 16th day of February,

IT IS HEREBY ORDERED that the Motion to Dismiss for Failure to State a Claim (ECF No.12) filed by the Salvation Army is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 18) dated January 14, 2022, is adopted as the Opinion of the Court.

s/ DAVID STEWART CERCONE

David Stewart Cercone

Senior United States District Judge

cc: Jason E. Matzus, Esquire
Carmen J. Nocera, Esquire
Patricia A. Monahan, Esquire

(Via CM/ECF Electronic Mail)